

## **DETERMINATION AND FINDINGS FOR A SOLE SOURCE PROCUREMENT**

**RK**

<b>Caption:</b>	<b>Election Systems &amp; Software (ES&amp;S) Voting Equipment</b>
<b>Products</b>	
<b>Contractor:</b>	<b>Election Systems &amp; Software (ES&amp;S)</b>
<b>Program Agency:</b>	<b>District of Columbia Board of Elections (BOE)</b>

### **1. Authorization:**

D.C. Official Code Section 2-354.04, 27 DCMR 1304, 1700 and 1701.

### **2. Minimum Need:**

- The DC Board of Elections (BOE) has an immediate need to add on additional proprietary election equipment for the tabulation of mail in ballots for the 2020 November Presidential General election. It is the intent of the Board of Elections to acquire Elections Services & System (ES&S) voting equipment in time for the 2020 November Presidential General election cycle.

### **3. Estimated Reasonable Cost:**

The estimated reasonable cost to support the purchase of the voting equipment is as follows: \$908,837.50.

### **Facts Which Justify Sole Source Procurement:**

- A. The Board's voting equipment vendor is Election Systems & Software (ES&S). ES&S' equipment is used by the DC Board of Elections to permit registered voters to cast their ballots and have them tabulated by the ES&S DS200 optical scanning system, the ES&S Express Votes touch screen voting system, and the DS 850 High Speed Digital imaging scanner which are proprietary to ES&S. ES&S is the sole provider of these voting systems and products. In October 2018, after the lease expiration, BOE entered into a contract with ES&S to purchase the voting equipment, and was successful in using the equipment during the November 2018 election cycle and thereafter.
- B. Elections Systems & Software (ES&S) is the sole-proprietor and owner of the Express Vote, Universal Voting System, the DS200 optical scanning system and the DS850 High speed digital imaging scanner. The ballot marking system is included as proprietary software with the Express Vote Universal Voting System. In addition, the ballot tabulation system necessary for tallying all the votes recorded during an election must be able to communicate with the prescribed hardware which is orchestrated by ES&S. To ensure accuracy of the ballot tabulation for each election, there must be complete compatibility between the ballots used, the

equipment used to record the voter's choices and the system used for the ballot tabulation. The voting equipment, associated voting system products/supplies, and ballot tabulation software are all proprietary to ES&S.

C. As we move toward the November 2020 Presidential General election cycle and based on current inventory, BOE will need to purchase the following

Quantity	ExpressVote Ballot Marking Device (BMD):
130	ExpressVote BMD Terminal (Includes Terminal, Internal Backup Battery, ADA Keypad, Headphones, Power Supply with AC Cord, and One (1) Standard 4GB Memory Device)
130	ExpressVote BMD Kiosks
130	ExpressVote BMD Kiosk Upgrades:
	ExpressVote Tabulator:
	ExpressVote Tabulator Kiosk Upgrades (ON-SITE INSTALL):
277	Barcode Scanners
277	Installation (Per Upgrade Selected/Per Unit)
50	Model DS200 Precinct Scanner:
	Paper Rolls
1	Model DS850 High Speed Digital Image Scanner

- Equipment Installation
- 1 Year Hardware and Software Warranty (to be included in base year)
- Shipping & Handling
- Annual Post-Warranty Hardware Maintenance and Support Fees
- Annual Post-Warranty Firmware License and Maintenance and Support Fees

D. ES&S is the only vendor that owns and distributes DS 200 Optical scanning voting equipment, the Express Vote, Universal Voting System, and the DS 850 Digital Image scanner which are proprietary to ES&S and currently in use by the DC Board of Elections.

Also, ES&S is the only vendor with the ability to provide the voting equipment in the timeframe required for the administration of the District of Columbia's 2020 November Presidential General election.

4. Certification by Agency Head:

I certify that the above findings are true, correct and complete.



\_\_\_\_\_  
Alice P. Miller  
Executive Director, BOE

\_\_\_\_\_  
Date

5. Certification by the Contracting Officer:

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contracting Officer

Certification by the Contracting Officer:

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive bidding process under either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code Section 2-354.02 or 2-354.05). (D.C. Law 6-85; D.C. Official Code Section 2-303.3). Accordingly, I determine that the District is justified in using the sole source method of procurement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Procurement Officer